

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, :
:
v. : 18-CR-00419 (BMC-4)
:
FENG LIANG, *et al.*, : September 3, 2019
:
Defendants. : Brooklyn, New York
:
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TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING
BEFORE THE HONORABLE CHERYL L. POLLAK
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government: UNITED STATES ATTORNEY
BY: WILLIAM P. CAMPOS, ESQ.
ROBERT CAFTAL, ESQ.
JAMES S. YOON, ESQ.
ASSISTANT U.S. ATTORNEYS

For the Defendant: ERIC P. FRANZ, ESQ.
CHRISTOPHER WRIGHT, ESQ.
Law Offices of Eric Franz PLLC
747 Third Avenue, 20th Floor
New York, NY 10017

Chinese Interpreter: JOHN LAO

Court Transcriber: MARY GRECO
TypeWrite Word Processing Service
211 N. Milton Road
Saratoga Springs, New York 12866

Proceedings recorded by electronic sound recording,
transcript produced by transcription service

I N D E X

Defendant Sworn at Page 5

EXHIBITS

Marked Received

1 Plea Agreement

-- 14

1 (Proceedings began at 3:40 p.m.)

2 THE CLERK: All rise. This is the matter of US v.
3 Liang, 18-CR-419, Criminal Cause for Pleading. Parties, please
4 state your appearances for the record.

5 MR. CAMPOS: Good afternoon, Your Honor. For the
6 United States William Campos, Robert Caftal who's a Special
7 Assistant United States Attorney, and James Yoon who is a trial
8 attorney with the Department of Justice's computer crime and
9 intellectual property section.

10 THE COURT: All right. Good afternoon.

11 MR. FRANZ: Good afternoon, Your Honor. Eric Franz
12 for Ms. Lin, and Mr. Christopher Wright who's been assisting me
13 on the matter, along with the Chinese interpreter.

14 THE COURT: Good afternoon. You may be seated.
15 Would the Chinese interpreter please raise your right hand,
16 please?

17 (AT THIS TIME THE INTERPRETER, JOHN LAO, WAS SWORN.)

18 THE COURT: Just state your name, sir, for the
19 record.

20 THE INTERPRETER: John Lao.

21 THE COURT: All right. Thank you.

22 All right. Ms. Lin, we are using the services of an
23 interpreter to assist you in understanding these proceedings.
24 If at any point something is said that you don't understand,
25 please let me know. Okay?

1 THE DEFENDANT: Okay.

2 THE COURT: Okay. The first issue I want to deal
3 with is your consent to have me hear your plea. You understand
4 that this is Judge Cogan's case and he is the United States
5 District Judge who will sentence you and who will make the
6 ultimate decision as to whether or not to accept your plea of
7 guilty. If you wish, you have the absolute right to have Judge
8 Cogan hear your plea. If you choose to do that, there will be
9 no prejudice to you.

10 On the other hand, if you wish, I will hear your plea
11 this afternoon and a transcript of these proceedings will be
12 made from the tape recording devices here in the courtroom, and
13 that transcript will be given to Judge Cogan to review at the
14 time of your sentence and when he makes his decision as to
15 whether or not to accept your plea of guilty. Do you wish to
16 give up your right to have Judge Cogan hear your plea and
17 proceed instead before me this afternoon?

18 THE DEFENDANT: Yes, I will give up.

19 THE COURT: Okay. Do you make this decision
20 voluntarily and of your own free will?

21 THE DEFENDANT: Yes.

22 THE COURT: Okay. Has anyone made any threats or
23 promises to get you to agree to have me hear your plea?

24 THE DEFENDANT: No.

25 THE COURT: Okay. My law clerk is going to show you

1 this consent form that I believe you may have signed earlier.

2 Have you seen this form before, Ms. Lin?

3 THE DEFENDANT: Yes.

4 THE COURT: You can give it to her. Have you
5 discussed it with your attorney?

6 THE DEFENDANT: Yes.

7 THE COURT: Is that your signature there at the
8 bottom of the page?

9 THE DEFENDANT: Yes.

10 THE COURT: Okay. I'll note for the record that it's
11 been signed by counsel for the defendant, by the Assistant US
12 Attorney, and I'm endorsing it as well.

13 All right. Now, Ms. Lin, before I can hear your
14 plea, there are a number of questions that I must ask you to
15 ensure that it is a valid plea. Again, if you don't understand
16 any of my questions, just tell me and I will rephrase them.
17 Okay?

18 THE DEFENDANT: Okay.

19 THE COURT: Okay. Would you raise your right hand,
20 please?

21 (AT THIS TIME THE DEFENDANT, JOSSTINA LIN, WAS SWORN.)

22 THE COURT: Okay. You can sit down. You understand
23 that having been sworn, your answers to my questions will be
24 subject to the penalties of perjury or making a false statement
25 if you don't answer them truthfully. Do you understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: What is your full name?

3 THE DEFENDANT: My name is Josstina Lin.

4 THE COURT: How old are you?

5 THE DEFENDANT: 43.

6 THE COURT: What education have you had?

7 THE DEFENDANT: Junior high.

8 THE COURT: Are you able to understand and speak any
9 English?

10 THE DEFENDANT: Only a little bit.

11 THE COURT: Okay. Have you had any problems
12 communicating with Mr. Franz, your attorney?

13 THE DEFENDANT: I communicated with him no problem.

14 THE COURT: Counsel, have you had any problems
15 communicating with your client?

16 MR. FRANZ: No, Your Honor, but we've used the
17 services of interpreters to do so.

18 THE COURT: Okay. Ms. Lin, are you presently or have
19 you recently been under the care of either a physician or a
20 psychiatrist?

21 THE DEFENDANT: No.

22 THE COURT: In the last 24 hours have you taken any
23 narcotic drugs?

24 THE DEFENDANT: No.

25 THE COURT: Any medicine or pills of any kind in the

1 last 24 hours?

2 THE DEFENDANT: No.

3 THE COURT: Have you had any alcohol to drink in the
4 last 24 hours?

5 THE DEFENDANT: No.

6 THE COURT: Have you ever been hospitalized or
7 treated for narcotics addiction?

8 THE DEFENDANT: No.

9 THE COURT: Have you ever been treated for any mental
10 or emotional problems?

11 THE DEFENDANT: No.

12 THE COURT: As you sit here before me today is your
13 mind clear?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand what we're doing here
16 today?

17 THE DEFENDANT: I understand.

18 THE COURT: Counsel, have you discussed the matter of
19 pleading guilty with your client?

20 MR. FRANZ: I have, Your Honor.

21 THE COURT: And in your view, does she understand the
22 rights that she will be waiving by pleading guilty?

23 MR. FRANZ: She does, Your Honor.

24 THE COURT: In your opinion, is she capable of
25 understanding the nature of these proceedings?

1 MR. FRANZ: Yes.

2 THE COURT: Do you have any doubt as to her
3 competence to plead at this time?

4 MR. FRANZ: None whatsoever.

5 THE COURT: Have you advised her of the maximum
6 sentence and fine that can be imposed as a result of her plea
7 here?

8 MR. FRANZ: I have.

9 THE COURT: Have you discussed with her the operation
10 of the sentencing guidelines in this case?

11 MR. FRANZ: Yes.

12 THE COURT: Now, Ms. Lin, first of all, I want to
13 make sure that you understand that you have the right to be
14 represented in connection with these charges by an attorney.
15 Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: Mr. Franz, are you appointed in this
18 case?

19 MR. FRANZ: No, Your Honor, I'm retained.

20 THE COURT: Okay. So Ms. Lin, if you could not
21 afford to pay for counsel, the Court would appoint an attorney
22 to represent you because you do have a right to be represented
23 by counsel from this point forward. Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: Now, do you believe that you've had

1 enough time to discuss your case with your attorney?

2 THE DEFENDANT: Yes.

3 THE COURT: And are you satisfied to have him
4 represent you?

5 THE DEFENDANT: Yes, I am satisfied.

6 THE COURT: Have you received a copy of the
7 indictment, the charges in this case?

8 THE DEFENDANT: Yes.

9 THE COURT: Have you discussed the charges with your
10 attorney?

11 THE DEFENDANT: Yes.

12 THE COURT: Now, as I understand it, you seek to
13 plead guilty today to Count 1, 3, and 4. Is that correct,
14 counsel?

15 MR. FRANZ: Yes.

16 THE COURT: Count 1 charges you with in or about and
17 between April 2011 and December 2016, both dates being
18 approximate and inclusive within the Eastern District of New
19 York and elsewhere you, together with others, did knowingly and
20 intentionally conspire to traffic in goods, specifically
21 handbags, wallets, belts, scarves, and other merchandise and to
22 use one or more counterfeit marks on and in connection with
23 those goods in violation of United States law.

24 THE DEFENDANT: I understand.

25 THE COURT: Okay. Count 3 charges that in or about

1 and between February 2012 and June 2015, both dates being
2 approximate and inclusive within the Eastern District of New
3 York and elsewhere you, together with others, did knowingly and
4 intentionally conspire to conduct one or more financial
5 transactions in and affecting interstate commerce, specifically
6 the interstate transfer of money by money order which
7 transactions in fact involved the proceeds of specified
8 unlawful activity, trafficking in counterfeit goods, in
9 violation of United States law and that you did this knowing
10 that the property involved in the financial transactions
11 represented the proceeds of some form of unlawful activity and
12 that the financial transactions were designed in whole or in
13 part to disguise the nature, location, source, ownership and
14 control of the proceeds of specified unlawful activity all in
15 violation of United States law. Do you understand what you've
16 been charged in?

17 THE DEFENDANT: I understand.

18 THE COURT: And Count 4 charges you with on or about
19 August 31, 2013 within the Eastern District of New York and
20 elsewhere you, together with others, did knowingly and
21 willfully and with intent to defraud the United States smuggle
22 and clandestinely introduce and attempt to smuggle and
23 clandestinely introduce into the United States merchandise,
24 specifically counterfeit Louis Vuitton handbags contained in
25 shipping container number KKFU7628722 which should have been

1 invoiced and make out and pass, and attempt to pass through the
2 Customs [indiscernible] one or more false, forged, and
3 fraudulent invoices and one or more other documents and papers
4 in violation of United States law. Do you understand what
5 you've been charged with in Count 4?

6 THE DEFENDANT: Yes.

7 THE COURT: And I just want to make sure in Counts 1
8 and 3 you're charged with conspiracy. Count 1 charges you with
9 the conspiracy to traffic in counterfeit goods and the other
10 count, Count 3, charges you with a money laundering conspiracy.
11 Do you understand what a conspiracy is?

12 THE DEFENDANT: I do.

13 THE COURT: Okay. Basically it is simply an
14 agreement between one or more people to do something unlawful.
15 So you're charged in the first count, as I said, with agreeing
16 with others to traffic in goods. And in Count 3, you're
17 charged with agreeing with others to launder money. Do you
18 understand the charges?

19 THE DEFENDANT: Yes.

20 THE COURT: Okay. I want to make sure that you
21 understand the rights that you will be giving up if you decide
22 to plead not guilty to these charges. Under the
23 constitution -- did I misstate that? Let me state that again
24 because I think I got it backwards. If you were to persist in
25 pleading not guilty, under the constitution and laws of the

1 United States, you would be entitled to a speedy and public
2 trial by jury with the assistance of counsel on the charges
3 contained in the indictment. Do you understand that?

4 THE DEFENDANT: I understand.

5 THE COURT: At that trial, you would be presumed
6 innocent and the Government would have to overcome that
7 presumption and prove you guilty by competent evidence and
8 beyond a reasonable doubt. You would not have to prove that
9 you were innocent. If the Government were to fail, the jury
10 would have the duty to find you not guilty. Do you understand
11 that?

12 THE DEFENDANT: I understand.

13 THE COURT: In the course of a trial, the witnesses
14 for the Government would have to come to court, they would have
15 to testify in your presence. Your attorney would have the
16 right to cross examine those witnesses for the Government, to
17 object to any evidence offered by the Government, and to
18 subpoena witnesses and offer testimony and evidence on your
19 behalf. Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: At the trial, while you would have the
22 right to testify if you chose to do so, you could not be forced
23 to testify. Under the Constitution of the United States, a
24 defendant in a criminal case cannot be forced to take the
25 witness stand and say anything that could be used to show that

1 she is guilty of the crime with which she's been charged. If
2 you were to decide not to testify, the Court would instruct the
3 jury that they could not hold that decision against you. Do
4 you understand that?

5 THE DEFENDANT: I understand.

6 THE COURT: If you plead guilty, on the other hand,
7 I'm going to have to ask you certain questions about what it is
8 that you did in order to satisfy myself that you are in fact
9 guilty of the charge to which you seek to plead guilty. You're
10 going to have to answer my questions and acknowledge your
11 guilt. Thus, you will be giving up that right that I just
12 described, that is the right not to say anything that could be
13 used to show that you are guilty of the crime with which you
14 have been charged. Do you understand that?

15 THE DEFENDANT: I understand.

16 THE COURT: If you plead guilty and I recommend to
17 Judge Cogan that he accept your plea, you will be giving up
18 your constitutional right to a trial and all of the other
19 rights that I have just described. There will be no further
20 trial of any kind. Judge Cogan will simply enter a judgment of
21 guilty based upon your guilty plea. Do you understand that?

22 THE DEFENDANT: I understand.

23 THE COURT: Are you willing to give up your right to
24 a trial and the other rights that I have just described?

25 THE DEFENDANT: Yes.

1 THE COURT: Now, I understand there is a written Plea
2 Agreement in this case. I'm marking it as Court Exhibit 1 for
3 purposes of these proceedings. Lauren, would you give that to
4 her attorney, please?

5 (AT THIS TIME COURT EXHIBIT 1 MARKED)

6 THE COURT: Ms. Lin, have you seen this before?

7 THE DEFENDANT: Yes.

8 THE COURT: And was it translated and read to you?

9 THE DEFENDANT: Yes.

10 THE COURT: And have you discussed it with your
11 attorney?

12 THE DEFENDANT: Yes.

13 THE COURT: And is that your signature there on the
14 last page?

15 THE DEFENDANT: Yes.

16 THE COURT: Does this agreement fully and accurately
17 reflect your understanding of the agreement that you have with
18 the Government?

19 THE DEFENDANT: Yes.

20 THE COURT: Other than the promises in the agreement,
21 has anyone made any other promise that has caused you to plead
22 guilty here?

23 MR. FRANZ: Your Honor, I think she was distracted --

24 THE COURT: Yes.

25 MR. FRANZ: -- looking at a piece of paper. Perhaps

1 you can repeat it.

2 THE COURT: That's fine. So my question was other
3 than the promises that are in the agreement, has anyone made
4 any other promise that has caused you to plead guilty here?

5 THE DEFENDANT: No.

6 THE COURT: Has anyone made any promise to you as to
7 what your sentence will be?

8 THE DEFENDANT: No.

9 THE COURT: Okay. I'll take the agreement back. Mr.
10 Franz, I noted that it wasn't signed by the translator.

11 MR. FRANZ: Yes, Your Honor, because there were
12 different incarnations of the agreement. I had a prior version
13 of the agreement translated into her native language for her
14 and reviewed it with the interpreters in my office. The only
15 change to the agreement from the prior iteration was gone over
16 with her today with an interpreter in this courthouse but it
17 was not this interpreter.

18 THE COURT: Okay.

19 MR. FRANZ: But I can represent to the Court that not
20 only did I engage someone to transcribe an almost identical
21 agreement, but also had it read and translated by a court
22 authorized interpreter.

23 THE COURT: Okay. All right. Is that satisfactory
24 to the Government?

25 MR. CAMPOS: Yes, Your Honor.

1 THE COURT: Okay. All right. So Ms. Lin, I want to
2 discuss the sentencing scheme that applies here. The statute
3 you are accused of violating in Count 1 carries a minimum term
4 of imprisonment of zero years and a maximum of up to ten years
5 in prison.

6 Count 3 carries a maximum term of imprisonment of 20
7 years and a minimum term of zero years.

8 And finally, Count 4 also carries a minimum term of
9 zero years but a maximum of up to 20 years in prison. Do you
10 understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: Okay. And there are in effect what are
13 called sentencing guidelines and those guidelines are merely
14 that, a guide to help the Court determine where within the zero
15 to ten and zero to 20 year ranges your sentence should fall.
16 The guidelines are not mandatory but the Court is required to
17 consider the guidelines along with all other relevant factors
18 in determining what an appropriate sentence for you should be.
19 Do you understand that?

20 THE DEFENDANT: I understand.

21 THE COURT: Okay. So does the Government have an
22 estimate of the guideline ranges for these various counts?

23 MR. CAMPOS: Just a moment, Your Honor.

24 [Pause in proceedings.]

25 THE COURT: While they're searching for that, I will

1 note that in the Plea Agreement it makes it clear that the
2 judge could sentence you consecutively on these three counts.
3 That means you could be required to serve a sentence under
4 Count 1 and then begin your sentence under Count 3, and then
5 finally begin your sentence under Count 4. You understand
6 that's possible and will be up to the judge? Do understand
7 that?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay.

10 MR. CAMPOS: Your Honor, the estimate, with grouping
11 and the estimate was that the guideline would be, the bottom of
12 the guideline, would be 327 months would be the bottom of the
13 guidelines. And consequently that appears in Paragraph 2,
14 Paragraph 3 of the agreement on the waiver. So that would be
15 the estimate which is based on, for the defendant, the worst
16 case scenario which is the manufacturer suggested retail price
17 of the infringing goods. The bottom is 327 months.

18 THE COURT: Okay. At all note that you've given her
19 credit as long as she pleads guilty today for a one level
20 additional reduction for acceptance of responsibility in
21 addition to the standard reduction. Is that correct?

22 MR. CAMPOS: Correct, Your Honor.

23 THE COURT: Mr. Franz, do you have any quarrel with
24 the Government's estimate of the outside range of the
25 guidelines?

1 MR. FRANZ: I don't quarrel with the estimate as
2 being an outside range. I don't know that we would come to an
3 agreement on those numbers. But there's no quarrel that that's
4 the potential calculation that a Court could adopt.

5 THE COURT: Okay. So you understand, Ms. Lin, that
6 the Government has estimated that you might at the very least
7 have to serve 327 months. Do you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. But until the judge, Judge Cogan,
10 gets what is called a pre-sentence report which will be
11 prepared by the Probation Department following your plea here,
12 and the judge has an opportunity to hear from you and to hear
13 from Mr. Franz and to hear from the Government's attorney,
14 until that time no one can promise you exactly what your
15 sentence will be; not your attorney, not the Government's
16 attorney, not me, not even Judge Cogan until then. Do you
17 understand that?

18 THE DEFENDANT: I understand.

19 THE COURT: Okay. And the other thing you should be
20 aware is that between now and the time of sentencing things may
21 happen in your case that will either allow the judge to
22 increase or decrease the amount of the time listed in the
23 guideline range. Do you understand that as well?

24 THE DEFENDANT: I understand.

25 THE COURT: Okay. Now, you also understand that you

1 face the possibility of de-naturalization or deportation as set
2 forth in Paragraph 19 of the Plea Agreement. You understand
3 that if you plead guilty this may have consequences on your
4 immigration status. Right now that is being completely handled
5 by a separate proceeding so no one here can promise you what
6 will happen. Not your attorney, not the Government's attorney,
7 not even this Court with respect to your immigration status.
8 You understand though that that is a potential consequence
9 here?

10 THE DEFENDANT: Yes.

11 THE COURT: You also understand that you face the
12 possibility of serving a term of supervised release. Do you
13 know what supervised release is?

14 THE DEFENDANT: Yes.

15 THE COURT: Okay. Basically, once you've completed
16 any sentence of imprisonment that you're directed to serve, you
17 will be released from jail and until the question of your
18 immigration status is resolved, as long as you remain here in
19 the country there may be restrictions placed your freedom.
20 Reporting to a probation officer on a periodic basis is one
21 such restriction. Do you understand that?

22 THE DEFENDANT: I understand.

23 THE COURT: If you violate any of the conditions of
24 supervised release, you can be sentenced up to two years in
25 prison without getting any credit for the time that you

1 previously served on supervised release and without getting
2 credit for the time that you served in prison prior to that.
3 Do you understand that?

4 THE DEFENDANT: I understand.

5 THE COURT: The maximum term of supervised release
6 that you face under each of these three counts is three years.
7 Do you understand that?

8 THE DEFENDANT: I understand.

9 THE COURT: You also face potential finds. The
10 maximum fine under Count 1 is \$2 million. The maximum fine
11 under Count 3 is \$500,000 or twice the value of the property
12 involved in the transaction, whichever is greater. Do we have
13 an estimate of what that might be from the Government?

14 MR. CAMPOS: At this time, Your Honor, I don't think
15 we have an accurate estimate on that. It may be significantly
16 higher than the \$500,000.

17 THE COURT: Okay. Is it likely to be higher than the
18 2 million?

19 MR. CAMPOS: It's unlikely to be higher than the 2
20 million but it is likely to be higher or it could be higher
21 than the 500,000.

22 THE COURT: Okay. And in Count 4, again, you face
23 the fine of the greater of \$250,000 or twice the gross gain or
24 twice a gross loss which the Government has just indicated
25 might be higher than \$500,000. Do you understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: Okay. You also face restitution under
3 all three counts. It's mandatory in the full amount of each
4 victim's losses which I take it the Government doesn't have
5 that number at this time.

6 MR. CAMPOS: Not at this time, Your Honor.

7 THE COURT: That will be determined by the Court. Do
8 you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: Okay. You also must pay a \$100.00
11 special assessment under each of the three counts which is a
12 total of \$300. Do you understand that?

13 THE DEFENDANT: I understand.

14 THE COURT: And finally, you face criminal forfeiture
15 as set forth in the agreement. I think it begins on Paragraph
16 6 where you acknowledge that you own certain property in
17 Brooklyn and I guess it's like two properties in Brooklyn which
18 you hold in your name or in the name of the entity and you have
19 consented to entry of a forfeiture money judgment in the amount
20 of \$1,600,000. Do you understand that you've agreed to that?

21 THE DEFENDANT: I understand.

22 THE COURT: The money judgment shall be paid in full
23 no later than seven days prior to the date of your sentencing.
24 Do you understand that?

25 THE DEFENDANT: I understand.

1 THE COURT: Okay. And you have agreed in the Plea
2 Agreement that if you fail to forfeit the properties or fail to
3 pay any portion of the money judgment on or before the due date
4 you have consented to the forfeiture of any other properties
5 that you might have up until the amount that has been unpaid.
6 Do you understand that?

7 THE DEFENDANT: I understand.

8 THE COURT: You've agreed that you will not either
9 individually or permit anyone else to waste the property or
10 permit any encumbrances on the forfeited real properties. Do
11 you understand that?

12 THE DEFENDANT: I understand.

13 THE COURT: And you've agreed to assist the
14 Government in effectuating the payment of the forfeiture money
15 judgment by executing any documents they request. Do you
16 understand that?

17 THE DEFENDANT: I understand.

18 THE COURT: Okay. And you've agreed not to file any
19 claims seeking or contesting the return of this property,
20 right?

21 THE DEFENDANT: Yes.

22 MR. FRANZ: Your Honor, if I can just make one point
23 clear on the forfeiture aspect? There's two properties that
24 are listed that will be attributed towards the forfeiture.
25 There is a provision that says in lieu of. There's one

1 property that's her primary residence that a money judgment
2 will be entered in the balance. I think it's \$631,000 would be
3 credited towards that property. Just so there's no confusion
4 about her understanding of the terms of the agreement.

5 THE COURT: Okay. Is that the Government's
6 understanding as well?

7 MR. CAMPOS: That's correct, Your Honor.

8 THE COURT: All right. Do you understand that, Ms.
9 Lin?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. And finally, you've given up any
12 right that you might have to notice concerning the forfeiture
13 of these monies or properties, and I guess that's about it. Is
14 there anything else I should inquire of her?

15 MR. CAMPOS: That's about it, Your Honor.

16 THE COURT: Mr. Franz, is there anything else I
17 should ask her?

18 MR. FRANZ: No, Your Honor, I don't believe so. Can
19 I have just one moment?

20 THE COURT: Of course.

21 [Pause in proceedings.]

22 MR. CAMPOS: And Your Honor, just one thing. I think
23 we brought this up but the 327 months that I referenced
24 earlier, that's identified in Paragraph 3 of the agreement and
25 that is the appellate waiver essentially.

1 THE COURT: Right. I was just going to get to that.

2 MR. CAMPOS: Okay.

3 THE COURT: All right. That's fine. Thank you. So
4 the final thing I want to advise you of is that you can appeal
5 your conviction if you believe that your guilty plea is somehow
6 unlawful or involuntary, or there was some other fundamental
7 defect in these proceedings that were not waived by your plea.
8 You also have --

9 THE INTERPRETER: Say again, Judge? I didn't hear.

10 THE COURT: Okay. Where should I start? I'll start
11 again.

12 THE INTERPRETER: Yes.

13 THE COURT: So you can appeal your conviction if you
14 believe that your guilty plea here was somehow unlawful or
15 involuntary, or if there was some other fundamental defect in
16 this proceeding that was not waived by your plea. You also
17 have a statutory right to appeal your sentence under certain
18 circumstances if you believe that your sentence was contrary to
19 law. What the Government's attorney was just referring to is
20 in Paragraph 3 of the agreement. You've agreed that you will
21 not file an appeal or otherwise challenge your conviction or
22 your sentence so long as the Court imposes a term of
23 imprisonment at or below 327 months. Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: Anything else?

1 MR. CAMPOS: And finally, Your Honor, the agreement
2 is the only agreement that the Government has with the
3 defendant.

4 THE COURT: Is that a fair statement, Mr. Franz?

5 MR. FRANZ: Yes, it is.

6 THE COURT: Do you understand that this is the
7 governing agreement? There are no other agreements?

8 THE DEFENDANT: Yes.

9 THE COURT: All right. Do you have any questions
10 that you would like to ask me about the charge, or your rights,
11 or the Plea Agreement, or anything else before we proceed?

12 THE DEFENDANT: No.

13 THE COURT: Are you ready to plead at this time?

14 THE DEFENDANT: Yes.

15 THE COURT: Counsel, do you know of any reason why
16 the defendant should not plead guilty?

17 MR. FRANZ: No, Your Honor.

18 THE COURT: Are you aware of any viable legal defense
19 to the charges?

20 MR. FRANZ: No.

21 THE COURT: Josstina Lin, what is your plea to Count
22 1 of indictment 18-CR-419; guilty or not guilty?

23 THE DEFENDANT: Guilty.

24 THE COURT: Okay. What is your plea to Count 3;
25 guilty or not guilty?

1 THE DEFENDANT: Guilty.

2 THE COURT: What is your plea to Count 4; guilty or
3 not guilty?

4 THE DEFENDANT: Guilty.

5 THE COURT: Are you making these pleas of guilty
6 voluntarily and of your own free will?

7 THE DEFENDANT: Yes.

8 THE COURT: Has anyone threatened or forced you to
9 plead guilty?

10 THE DEFENDANT: No.

11 THE COURT: Has anyone made any promise to you as to
12 what your sentence will be?

13 THE DEFENDANT: No.

14 THE COURT: I read the charges to you a few minutes
15 ago. I want you to tell me in your own words starting with
16 Count 1 exactly what it is that you did between April 2011 and
17 December 2016 in connection with this agreement to traffic in
18 counterfeit goods.

19 THE DEFENDANT: Yes. The first count for the
20 conspiracy to traffic in counterfeit goods between April 2011
21 and December 2016 I worked with other people to distribute and
22 sell fake luxury handbags, wallets, and other merchandise that
23 were imported from China. These fake goods had counterfeit
24 trademarks and I knew that the fake goods that I was importing
25 and selling had counterfeit trademarks. The counterfeit

1 trademarks were copies of trademarks or brands like Louis
2 Vuitton. In this regard, you know, about June 2012, in the
3 Eastern District of New York I directed the unloading of fake
4 luxury goods from a shipping container. I worked with my
5 associates to sell these fake goods to customers in the New
6 York area and elsewhere.

7 Count 3, money laundering conspiracy --

8 THE COURT: Okay. So let me stop you here for a
9 minute. Let me ask if the Government has anything else that I
10 should inquire of with respect to Count 1.

11 MR. CAMPOS: With respect to Count 1, Your Honor the
12 Government has no further questions of the defendant.

13 THE COURT: All right. So tell me about the money
14 laundering conspiracy which is Count 3.

15 THE DEFENDANT: I made money from selling and
16 importing fake luxury goods from about February 2012 to June
17 2015 in the Eastern District of New York and elsewhere. I
18 agreed with others to engage in financial transactions by
19 interstate transfers of money using money orders. And the
20 money from these transactions was the proceeds of trafficking
21 in counterfeit goods. The transactions were designed to in
22 part to conceal the true origin of the proceeds and I knew that
23 was the case. Customers basically paid for the fake goods with
24 money orders. Sometimes the money orders were sent from out
25 of\ state to New York State via the mail and often the true

1 names of the payee and the payor were not put on these money
2 orders. This was done in order to hide the origin of the money
3 and it was done also to hide the true identities of the people
4 who were involved in the distribution and sale of the fake
5 luxury goods. And I would sometimes deposit these money orders
6 into my bank accounts in Brooklyn and Queens or New York.

7 THE COURT: Okay. Does the Government have anything
8 else with respect to that count?

9 MR. CAMPOS: No, Your Honor.

10 THE COURT: All right. So finally Count 4 involves a
11 specific act on August 31, 2013. Can you tell me what you did
12 in connection with that charge?

13 THE DEFENDANT: On or about August 31, 2013 I, along
14 with others, smuggled and introduced into the United States
15 fake Louis Vuitton handbags. I was aware that the false and
16 fraudulent documents including the invoices were used to have
17 the goods pass through Customs and I knew that the fake Louis
18 Vuitton bags had counterfeit trademarks on them. And all of
19 this conduct happened in the Eastern District of New York. And
20 at the time I knew what I was doing was wrong.

21 THE COURT: Counsel, anything else on that charge?

22 MR. CAMPOS: No, Your Honor.

23 THE COURT: All right. Mr. Franz, anything you want
24 to ask?

25 MR. FRANZ: I have nothing, Your Honor.

1 THE COURT: Based on the information given to me, I
2 find that the defendant is acting voluntarily, fully
3 understands her rights and the consequences of her plea, and
4 that there is a factual basis for the plea. I will therefore
5 recommend to Judge Cogan that he accept your plea of guilty to
6 Counts 1, 3, and 4 of the indictment.

7 The sentencing date has been tentatively set for
8 December 12th at 10 a.m. What that means, Ms. Lin, is that
9 someone from the Probation Department is going to meet with you
10 to prepare the pre-sentence report. I urge you to cooperate
11 with them obviously with your attorney's advice. If that
12 December 12th date becomes impractical or impossible for
13 someone, I would just urge you to get in touch with Judge
14 Cogan's case manager. Okay?

15 MR. FRANZ: Yes, Your Honor.

16 THE COURT: Anything else?

17 MR. FRANZ: No. Thank you, Your Honor.

18 MR. CAMPOS: Not from the Government.

19 THE COURT: All right. Thank you very much.

20 (Proceedings concluded at 4:22 p.m.)

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1 I certify that the foregoing is a court transcript from an
2 electronic sound recording of the proceedings in the above-
3 entitled matter.

4
5 *Mary Greco*

6 _____
Mary Greco

7 Dated: October 1, 2019
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